

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/09 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Michael Marcin (Reg. No. 48,198) on 12/07/09. The application has been amended as follows:

In the claims:

In claim 7, lines 7 and 8; "a tooth cutting mechanism that has at least one drivable toothed blade;" has been changed to --a tooth cutting mechanism that has at least one drivable toothed blade driven by a motor provided in a housing of the head part;--.

Claim 5 has been cancelled.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the motor which drives the drivable toothed blade of the cutting tooth mechanism is in a housing of the head part, in combination with other limitations set forth in claim 7.

Regarding claim 7, Caster (2,025,972) teaches a personal care apparatus, comprising: a hair trimmer; a main part "A" and a head part 1, 4, the main part being adapted to be held in one hand and having a region adjacent the head part, wherein the head part is connected to the main part in the region of the main part that is adjacent the head part and the entire head part is pivotable relative to the main part about an axis of pivot. It should be noted that the spring 14 enables the head part to pivotable along a lateral pivot axis and a longitudinal axis passing through the main part. See Figs. 1-8 in Caster. Caster also teaches a personal care tool provided on the head part 1, 4 and comprising a toothed cutting mechanism that has at least one drivable toothed blade 4; a spring 14 of a U-shaped configuration has a cross-member connected to the head part 1, 4 and two sides having distal end bent inwards co-operating with at least one position extension connected to the main part in the region of each of its two sides, wherein the spring acts between the head part and the main part, and the head part is pivotable by the spring in synchronization with varying displacing forces that act on the head part in the course of a personal care process, and wherein the head part is adapted for positioning by the spring in a defined rest position relative to the main part when there are no displacing forces present. It should be noted that the U-shaped spring is defined by two springs 14 create a U-shaped member as shown in Fig 3. The U-shaped spring has a cross-member attached to the head part 1, 4 and two sides attached to a protrusion section of the

main part. It should also be noted that the distal ends of the sides also are bent inwards. The distal end of the each side could be defined by the portion of the side extending from the bent portion of the side to the straight portion of the side that is riveted to the main body "A". In addition, the use of U-shaped spring having bent distal ends attached to a structure is well known in the art such as taught by Hitson (3,041,726).

However, Caster alone or in combination with Hitson does not teach that the motor which drives the drivable toothed blade of the cutting tooth mechanism is in a housing of the head part, as set forth in claim 7.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ghassem Alie/
Primary Examiner, Art Unit 3724

December 7, 2009